

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: MATTHEW E. KOTOK,  
DEBTOR.**

**MATTHEW E. KOTOK,  
Movant,**

**Vs.**

**ELLIOTT COMMUNITY  
FEDERAL CREDIT  
UNION,  
Respondent.**

**Case No. 18-21406 GLT**

**Chapter 13**

**RESPONSE TO MOTION SEEKING CANCELLATION OF VARIOUS MORTGAGE  
COSTS, REALLOCATION OF PAYMENTS and RECALCULATION OF MORTGAGE  
PRINCIPAL**


AND NOW, comes the Respondent, Elliott Community Federal Credit Union, by and through its attorney, Maria V. Rossi, Esq. and Rossi Legal Co., who respectfully represents the following in response to Movant's Motion Seeking Cancellation of Various Mortgage Costs, Reallocation of Payments and Recalculation of Mortgage Principal:

1. Elliott Community Federal Credit Union ("hereinafter Elliott") does not have record of receiving previous filings in the above captioned action.
2. Elliott admits the Trustee has been making payments in the amount of \$384.00 which was applied to interest on a select few payments based on Elliott's computer system.
3. Elliott is agreeable to recalculate the previous payments made by the Trustee to be applied to principal.

4. Elliott avers there was no willful or intentional violation of the Bankruptcy Stay as the system applied the payments automatically and this error was only brought to Elliott's attention with this motion.
5. Debtor's attorney did not reach out to Elliott to resolve this matter without Court interference.
6. Elliott does not believe attorney fees are necessary as this was an unnecessary Motion that could have been handled separately by counsel.
7. Elliott agrees to recalculate the payments made under the Chapter 13 Bankruptcy Plan to apply them to the principal.
8. Once the stay is lifted, Elliott will resume application of payments in accordance with the Mortgage Agreement.

**WHEREFORE,** Elliott requests the Court enter an Order requesting recalculation of the payments and mortgage but deny Debtor's request for attorney's fees.

Date: 10/4/23

  
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Maria V. Rossi, Esquire  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that the foregoing has been furnished via electronic transmission  
to:

Rodney D. Shepherd, Esq.  
Attorney for Movant/Applicant  
2403 Sidney Street  
Suite 208  
Pittsburgh, PA 15203  
rodsheph@cs.com

A handwritten signature in blue ink, appearing to read 'Maria V. Rossi', is written over a horizontal line.

Maria V. Rossi, Esq.  
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